REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 28-54 are pending in this application. Claims 28, 29, 31, 32, 34, 38, 39, 41, 42, 44-46, 48, 49, and 51 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. patent 6,147,957 to Nagara et al. (herein "Nagara"). Claims 30, 33, 35-37, 40, 43, 47, 50, and 52-54 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nagara in view of U.S. patent 6,724,707 to Van Woudenberg et al. (herein "Van Woudenberg").

Addressing the above-noted rejections, those rejections are traversed by the present response.

Applicants respectfully submit the outstanding rejection is misunderstanding the applied art relative to the claims and is not fully considering all the claim language.

First, the claims as written recite "***buffer areas having a fixed length*** for random access are respectively ***disposed before and after respective blocks***" (emphasis added). The claims as written also recite a "start point for a buffer area ***before the new block*** is ***not fixed*** relative to the existing block preceding the new block" (emphasis added).

As shown for example in Figure 1 in the present specification, when writing a new block BLK relative to an existing preceding block BLK1, the buffer areas DRi and DRo precede the blocks BLK and BLK1, respectively. Similarly, for the block BLK2 buffer areas DRi and DRo precede and follow that block. As clear from Figure 1 the start point of the buffer area DRi before the block BLK is not fixed relative to the existing block BLK1, but can be varied. As also shown in Figure 1 the start point of buffer area DRi for block BLK is shifted, and the amount of the shift can vary for the different blocks, as also shown in Figure 1 for the next block BLK2 as its preceding buffer DRi is shifted a less amount than the buffer DRi for the block BLK. Further, the buffers DRi and DRo have a fixed length, as also shown in Figure 1.

Thereby, according to the claimed invention a start point of writing of a data pattern can be changed. Further, a length of a run-in buffer area is fixed. Such features are believed to clearly distinguish over the applied art.

Nagara describes technology in which a length of a linking area (b+x2) can be changed. In Nagara a start point of a linking area is also fixed.

The outstanding Office Action maintained the rejections to Nagara in view of the claim language and provided comments as to why Nagara is still being applied. Applicants submit the outstanding rejection is misconstruing the disclosure in Nagara relative to the claimed invention, as now further discussed.

First, as noted above, the claims recite **buffer areas having a fixed length**. In addressing that feature the outstanding Office Action states "[h]owever, Nagara discloses a linking section (buffer area) consist of 8 frames, therefore, it has a fixed length (Fig. 3)".[1]

In reply to that position, applicants note the claims do **not** recite that a total area between two blocks has a fixed length, which is what the linking section of 8 frames in Nagara represents. Instead, in the claims **buffer areas before and after respective blocks have a fixed length**. With reference to Figure 1 in the present specification as a non-limiting example, the buffer areas DRi and DRo each have a fixed length. Those are the buffer areas before and after respective blocks. The "linking section" in Figure 3 of Nagara does not correspond to such buffer areas, but instead is a total area between two different blocks and includes different buffer areas SY7, SY2, etc. The claims clearly indicate the buffer areas are the areas that overlap, which would correspond to the areas marked as a-x1 and b+x2 in Figure 3 in Nagara.

Nagara in fact actually discloses a **directly contrary structure than as claimed**. Specifically Nagara states:

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[1] Office Action of November 24, 2006, page 7, "Response to Arguments" section lines 3-4.

>As shown, a linking section having a standard length of 8 frames is formed between ECC blocks. Of these 8 frames, *about* 2 frames are attached to the end of each ECC block and *about* 7 frames are attached to the beginning of each ECC block.
>
>In other words, when recording one ECC block, a linking section of *about* 7 frames is recorded, followed by data of one ECC block followed by a linking section of *about* 2 frames.[2]

From the above-noted disclosure, and as clearly shown in Figure 3, in Nagara the buffer areas provided before and after respective blocks do *not have a fixed length*. Instead, in Nagara the buffer area at the end of a block is *about* 2 frames (clearly not a fixed length as emphasized by the word "about"), and the buffer area preceding the next block has a length of *about* 7 frames (again clearly not a fixed length as emphasized by the word "about"). Although in Nagara the total area between the two blocks may be fixed at 8 frames, the buffer areas themselves before and after the respective blocks *do not have a fixed length*. The claims as written are directed to the buffer areas disposed before and after the respective blocks and not a total area between two successive blocks.

In such ways, the outstanding rejection is not properly considering the claim features relative to Nagara, and Nagara clearly fails to teach or suggest the above-discussed claim features.

Moreover, in the claims as written a start point of a buffer area preceding a new block is not fixed relative to an existing block preceding the new block. That feature also distinguishes over Nagara. That is, for example in Figure 3 Nagara does not disclose or suggest the block marked at b+x2 being able to be shifted.

In addressing that feature the outstanding Office Action states:

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[2] Nagara at column 4, lines 33-42 (emphasis added).

> The end user controls the amount of data recorded in each
> sector from 1-16 sectors, therefore the block is not fix.[3]

In reply to that basis for maintaining the rejection, applicants respectfully submit the

above-noted claim feature is not being properly considered relative to the teachings in

Nagara.

First, the above-noted claim feature is not directed to the amount of data in a sector,

and therefore the fact that an end user can control the amount of data recorded in one sector

in Nagara is irrelevant to the claimed feature.

The above-noted claim feature is directed, e.g., to the start point of the buffer area

DRi before the block BLK not being fixed relative to the existing block BLK1. The total

amount of data in a sector is irrelevant to that feature, and thus the outstanding rejection is

misconstruing the disclosure in Nagara relative to the above-noted claimed features.

In view of these foregoing comments, applicants respectfully submit clearly the

claims as written recite features that distinguish over Nagara.

Moreover, no teachings in Van Woudenberg are directed to any of the above-

discussed features or are believed to cure the above-noted deficiencies in Nagara.

In view of the present response applicants respectfully submit the claims as written

are allowable over the applied art.

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[3] Office Action of November 24, 2006, page 8, last sentence of "Response to Arguments" section.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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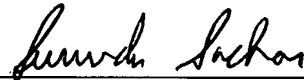MAIER & NEUSTADT, P.C.

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